

IN THE CLAIMS

1. – 49. (Canceled)

50. (Currently amended) A surgical device for passing suture through soft tissue comprising:

a cylindrical body having a lumen;

an elongate member positioned substantially within and slideable through the lumen of the body, the elongate member including a distal portion having superelastic properties, the distal portion further including a transverse opening for carrying a suture therein, and wherein the suture is ~~positioned~~ positionable completely outside of the lumen of the cylindrical body;

a first jaw and a second jaw connected to the body and encompassing at least a portion of the elongate member, one of the jaws moveable relative to the other and having an opening, which is substantially transverse to a long axis of the moveable jaw, for allowing the distal portion of the elongate member therethrough and to the soft tissue; and

a puncturing projection at the most distal end of the distal portion of the elongate member and slideable through the lumen of the body, the puncturing projection movable between a first position wherein the distal portion of the elongate member is in a substantially straight stressed configuration substantially contained within the lumen of the cylindrical body and ~~or an area~~ between the first jaw and the second jaw and a second position wherein the distal portion of the elongate member is in ~~[[an]]~~ a substantially curved unstressed configuration and ~~extends~~ extendable distally through and beyond the opening in the first jaw such that the opening in the distal portion carrying the strand of suture is positioned completely outside of ~~the area between~~ the first jaw and the second jaw.

51. – 52. (Canceled)

53. (Currently amended) A surgical device for passing suture through soft tissue comprising:

a first elongate member having an opening positioned transverse to a long axis of the elongate member and receiving a strand of suture; wherein said first elongate member includes a substantially curved first resting configuration and is compressible into a substantially straight second, stressed configuration, and returns towards said first resting configuration as a compressive external force is reduced;

a second elongate member having a lumen and substantially housing said first elongate member in the second, stressed configuration, the first elongate member completely slideable within the lumen, and wherein the suture is ~~positioned~~ positionable completely outside of the lumen of the second elongate member; and

a grasping mechanism comprising a first jaw and a second jaw connected to said second elongate member at a distal end thereof, with one of said jaws moveable relative to the other, and wherein said grasping mechanism clamps soft tissue while said first elongate member is ~~advanced~~ extendable distally through the soft tissue to pass the strand of suture carried within the transverse opening of the first elongate member through the soft tissue outside said grasping mechanism through an opening in one of said jaws of said grasping mechanism.

54. – 55. (Canceled)

56. (Previously presented) The device of claim 53, wherein said opening in said jaw extends through a middle region of said jaw such that said jaw is removable from around a side of a strand of suture that has been passed into the soft tissue.

57. (Previously presented) The device of claim 53, wherein said opening in said first elongate member comprises an eyelet.

58. (Canceled)

59. (Currently amended) A surgical device for passing suture through soft tissue, the device comprising:

an elongate member having a substantially curved, unstressed configuration, and a transverse opening positioned relative to a long axis of the elongate member, the opening for holding a strand of suture;

an elongate tube having a lumen and substantially containing said elongate member, the elongate member completely slideable within the lumen, and wherein the suture is ~~positioned~~ positionable completely outside of the lumen of the elongate tube; and

a pair of jaws attached to said elongate tube to clamp soft tissue; wherein one of said jaws has an opening which is substantially transverse to a long axis of the jaw to allow said elongate member and attached suture to be extendable distally therethrough ~~[[to]]~~ the soft tissue and outside the pair of jaws.

60. (Previously presented) The device of claim 59, wherein said opening in said jaw extends through a middle region of said jaw such that said jaw is removable from around a side of a strand of suture that has been passed into the soft tissue.

61. (Previously presented) The device of claim 59, wherein said opening in said elongate member comprises an eyelet.

62. (Currently amended) A surgical device for passing suture through soft tissue, the device comprising:

an elongate tubular member having a lumen;

a suture passing member having a substantially curved, unstressed configuration, and a strand of suture carried in an opening transversely positioned within the suture passing member, wherein the suture passing member is completely slideable and housed substantially within said lumen, and wherein the suture is ~~positioned~~ positionable completely outside of the lumen of the elongate tubular member; and

a grasping mechanism comprising a first jaw and a second jaw connected to said elongate tubular member at a distal end thereof, with one of said jaws moveable relative to the other, and wherein said grasping mechanism clamps soft tissue while the suture passing member ~~slides~~ is slideable distally within the lumen and passes suture through the soft tissue outside of the grasping mechanism through an opening, which is substantially transverse to a long axis of the moveable jaw, in one of said jaws of said grasping mechanism.

63. – 64. (Canceled)

65. (Previously presented) The device of claim 62, wherein said opening in said jaw extends through a middle region of said jaw such that said jaw is removable from around a side of a strand of suture that has been passed into the soft tissue.

66. (Previously presented) The device of claim 62, wherein said opening in said suture passing member comprises an eyelet.

67. (Previously presented) The device of claim 62, further comprising a handle to manipulate movement of the jaws.

68. (Previously presented) The device of claim 50, wherein the transverse opening in the elongate member comprises a flexible, closed-loop eyelet.

69. (Previously presented) The device of claim 50, wherein elongate member is substantially non-hollow.

70. (Previously presented) The device of claim 53, wherein the transverse opening in the first elongate member comprises a flexible, closed-loop eyelet.

71. (Previously presented) The device of claim 53, wherein the first elongate member is substantially non-hollow.

72. (Previously presented) The device of claim 59, wherein the transverse opening in the elongate member comprises a flexible, closed-loop eyelet.

73. (Previously presented) The device of claim 59, wherein the elongate member is substantially non-hollow.

74. (Previously presented) The device of claim 62, wherein the transverse opening in the suture passing member comprises a flexible, closed-loop eyelet.

75. (Previously presented) The device of claim 62, wherein the suture passing member is substantially non-hollow.